

1 **LAW OFFICES OF DALE K. GALIPO**

2 Dale K. Galipo (SBN 144074)  
3 E-mail: dalekgalipo@yahoo.com  
4 Hang D. Le (SBN 293450)  
5 E-mail: hlee@galipolaw.com  
6 21800 Burbank Blvd., Suite 310  
7 Woodland Hills, CA 91367  
8 Tel: (818) 347-3333; Fax: (818) 347-4118

9  
10 *Attorneys for Plaintiff*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 JENNIE QUAN, individually and as  
15 successor in interest to BENJAMIN  
16 CHIN, deceased,

17 Plaintiffs,

18 vs.

19 COUNTY OF LOS ANGELES;  
20 MARISOL BARAJAS; HECTOR  
21 VAZQUEZ; and DOES 3-10, inclusive,

22 Defendants.

23 Case No. 2:24-cv-04805-MCS-KS

24 *Assigned to:*  
25 Hon. Mark C. Scarsi  
26 Hon. Mag. Judge Karen L. Stevenson

27 **PLAINTIFF'S NOTICE OF MOTION  
28 AND MOTION IN LIMINE NO. 3 TO  
EXCLUDE OPINIONS OF DEFENSE  
EXPERT JOHN MARAHEBIAN, MD  
NOT DISCLOSED IN REBUTTAL  
REPORT**

29 Final Pretrial Conference:  
30 Date: January 26, 2026  
31 Time: 2:00 p.m.  
32 Crtrm: 7C

33 Trial:  
34 Date: February 10, 2026

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS  
OF RECORD:**

**PLEASE TAKE NOTICE THAT** that Plaintiff Jennie Quan hereby moves the Court, by way of this Motion in Limine No. 3, to exclude defense expert John Marahebian, MD, from offering certain opinions that were not initially disclosed in his rebuttal report. Plaintiff makes this Motion under Federal Rules of Procedure 26 and 37.

**Statement of Local Rule 7-3 Compliance:** This motion is made following a conference of counsel during which no resolution could be reached.

This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the records and files of this Court, and upon such other oral and documentary evidence as may be presented at the time of the hearing.

DATED: January 5, 2026

## LAW OFFICES OF DALE K. GALIPO

By \_\_\_\_\_ /s/ *Hang D. Le*  
Dale K. Galipo  
Hang D. Le  
Attorneys for Plaintiff

# MEMORANDUM OF POINTS AND AUTHORITIES

## **I. INTRODUCTION**

3 This civil rights case arises from the officer-involved shooting death of  
4 Benjamin Chin on June 19, 2023 by County of Los Angeles Sheriff's Department  
5 Deputies Marisol Barajas and Hector Vazquez. In Plaintiff's initial expert disclosures,  
6 Plaintiff disclosed the report of retained forensic pathology expert, Dr. Bennet Omalu,  
7 to opine on the the nature of Decedent's wounds, including a trajectory analysis of his  
8 gunshot wounds, and Decedent's pain and suffering as a result of the incident.  
9 Defendants subsequently retained Dr. John Marehbian, a neurologist, the rebut Dr.  
10 Omalu's opinions that Decedent continued to experience pain and suffering even after  
11 he was admitted into the hospital and was documented with a Glasgow Coma Scale of  
12 3/15. However, approximately a month later at Dr. Marehbian's deposition, Dr.  
13 Marehbian offered new opinions that had not been in his report in addition to the  
14 opinions contained in his report, including opining that before Decedent was admitted  
15 into the hospital with a Glasgow Coma Sclae of 3/15, Decedent experienced variable  
16 levels of pain and suffering, such that at times he did not experience any pain and  
17 suffering despite still be awake and responsive. Plaintiff now moves to exclude any  
18 and all opinions by Dr. Marehbian that were not timely disclosed in his initial rebuttal  
19 report.

## II. LEGAL STANDARD

21       “Although Rule 26(e) obliges a party to ‘supplement or correct’ its disclosures  
22 upon information later acquired, this ‘does not give license to sandbag one’s  
23 opponent with claims and issues which should have been included in the expert  
24 witness’ report...’” *Plumley v. Mockett*, 836 F. Supp. 2d 1053, 1062 (C.D. Cal. 2010).  
25 “[A] supplemental expert report that states additional opinions or seeks to strengthen  
26 or deepen opinions expressed in the original report is beyond the scope of proper  
27 supplementation and subject to exclusion under Rule 37(c).” *Id.* (cleaned up) (citing

1 *Cohlmia v. Ardent Health Servs., LLC*, 254 F.R.D. 426, 433 (N.D. Okla.2008)). Rule  
2 37(c)(2) “give teeth” to the disclosure requirements under Rule 26(a) “by forbidding  
3 the use at trial of any information required to be disclosed” that was not properly  
4 disclosed. *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th  
5 Cir. 2001)

6 **III. DR. MAREHBIAN’S UNTIMELY OPINIONS SHOULD BE EXCLUDED**

7 Dr. Marehbian’s report states that it “specifically addresses Dr. Omalu’s  
8 conclusions concering the presence and duration of conscious pain and suffering  
9 experienced by Mr. Benjamin Chin.” (Ex. 5 to Le Decl., Marehbian Report at 1). His  
10 report goes on to specifically rebut Dr. Omalu’s contention that Decedent  
11 experienced pain and suffering starting when he first encountered law enforcement  
12 and ending with “the complete cessation of al bodily functions, including cardiac and  
13 respiratory arrest.” Dr. Marehbian opines that Decedent experienced “at most, a  
14 short-lived period of pain in the immediate after of the injury” and that by the time  
15 Decedent was admitted into the hospital with a Glasgow Coma Scale score of 3/15,  
16 “there was a total loss of consciousness” and therefore, he could not have  
17 experienced pain and suffering after that time. (*Id.* at 5, 8). Later at his deposition,  
18 Dr. Marehbian offered new opinions regarding the variable levels of pain Decedent  
19 experienced while still awake and responsive. This opinion is untimely as it was not  
20 expressed in any way in his report. Accordingly, Dr. Marehbian should be precluded  
21 from offering such new opinions, pursuant to Rule 37(c).

22 **IV. CONCLUSION**

23 For the foregoing reasons, Plaintiff respectfully requests the Court preclude  
24 defense expert Dr. John Marehbian from testifying on subjects or offering opinions  
25 that were not initially disclosed in his rebuttal report.

26  
27  
28

1 Respectfully submitted,

2  
3 DATED: January 5, 2026

LAW OFFICES OF DALE K. GALIPO

5 By /s/ Hang D. Le

6 Dale K. Galipo

7 Hang D. Le

8 Attorneys for Plaintiff

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28